

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

BRIAN WELLS

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CASE NO. 4:03cr47.1

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced criminal action, this Court having heretofore referred the request for modification of Defendant's supervised release to the United States Magistrate Judge for proper consideration. The Court has received the report of the United States Magistrate Judge pursuant to its order. As Defendant has waived his right to object, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that the Magistrate Judge's Report is **ADOPTED** as the opinion of the Court. It is further **ORDERED** that Defendant's supervised release is hereby **REVOKED**.

It is **ORDERED** that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of nine (9) months, followed by fifty-one (51) months supervised release. Within 72 hours of release from the custody of the Bureau of Prisons, Defendant shall be required to report in person to the probation office in the district to which Defendant is released.

While on supervised release, it is **ORDERED** that Defendant shall not commit another Federal, state, or local crime, shall comply with the standard conditions that have been adopted by

this Court, and shall comply with the following additional conditions:

Defendant shall pay restitution totaling \$20,183.29 to the victims listed in the "Victim Impact" section of the Pre-sentence Report, and the restitution payments shall begin immediately. Any amount that remains unpaid when the Defendant's supervision commences shall be paid on a monthly basis at a rate of at least 10% of Defendant's gross income, to be changed during supervision, if needed, based on Defendant's changed circumstances pursuant 18 U.S.C. §3664(k). Additionally, at least 50% of receipts received from income tax returns, inheritances, non-recurring bonuses, and lawsuit awards shall be paid toward the unpaid restitution balance within 15 days of receipt. The restitution is payable by cashier's check or money order made out to the United States District Court and forwarded to the Fine and Restitution Section, U.S. Courts, P.O. Box 570, Tyler, Texas 75710.

Defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring income and employment.

Defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless payment of any financial obligation ordered by the Court has been paid in full.

IT IS SO ORDERED.

SIGNED this 30 day of April, 2008.

A handwritten signature in black ink, appearing to read 'Leonard A. Davis', written over a horizontal line.

LEONARD A. DAVIS
UNITED STATES DISTRICT JUDGE